

## 21 C.J.S. Courts § 296

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### VIII. Concurrent and Conflicting Jurisdiction

#### B. State and United States Courts

##### 4. Enjoining Proceedings in Other Court

##### b. Exceptions to Anti-Injunction Act

§ 296. Exceptions to Anti-Injunction Act, generally; effect of All-Writs Act

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#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(1), 508(2.1)

**Under the Anti-Injunction Act, federal courts are statutorily prohibited from enjoining state court proceedings except in three narrowly excepted categories of cases.**

Under the Anti-Injunction Act, federal courts are statutorily prohibited from enjoining state court proceedings except in three narrowly excepted categories of cases:<sup>1</sup> (1) as expressly authorized by Act of Congress; or (2) where necessary in aid of its jurisdiction; or (3) where necessary to protect or effectuate its judgments.<sup>2</sup> In the interest of comity and federalism, the exceptions to the Anti-Injunction Act's bar are construed strictly<sup>3</sup> or narrowly<sup>4</sup> and may not be enlarged by loose statutory construction.<sup>5</sup>

### *Effect of All-Writs Act.*

If an injunction falls within any one of the foregoing three exceptions, the All Writs Act, which provides that federal courts have power to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law,<sup>6</sup> provides the positive authority for federal courts to issue injunctions of state court proceedings.<sup>7</sup> In turn, the federal court's authority to issue an injunction under the All Writs Act is limited by the Anti-Injunction Act, which prohibits federal courts from enjoining state court proceedings unless one of the three narrow exceptions applies.<sup>8</sup>

### *Nonparties; strangers exception.*

There is authority holding that the Anti-Injunction Act does not bar one who is not a party to state proceedings, nor in privity with a party, from seeking a federal injunction against enforcement of the resulting judgment.<sup>9</sup> For purposes of this judicially created "strangers exception" to the Act, privity means that one who is not bound directly by virtue of a sufficiently close relationship with a party to the state proceedings is not bound indirectly by the Act.<sup>10</sup> The strangers exception presumably embraces federal plaintiffs who deliberately bypass an available opportunity to intercede in pending state court proceedings since the law does not impose upon any person absolutely entitled to a hearing the burden of voluntary intervention in a suit to which he or she is a stranger.<sup>11</sup>

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### Footnotes

- 1 U.S.—*Smith v. Bayer Corp.*, 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341 (2011); *Drelles v. Metropolitan Life Ins. Co.*, 357 F.3d 344 (3d Cir. 2003).
- 2 28 U.S.C.A. § 2283.
- 3 U.S.—*G.C. and K.B. Investments, Inc. v. Wilson*, 326 F.3d 1096, 55 Fed. R. Serv. 3d 425 (9th Cir. 2003).
- 4 U.S.—*Zurich American Ins. Co. v. Superior Court for State of California*, 326 F.3d 816 (7th Cir. 2003).  
  
**Resolve jurisdictional matters before remedial authority**  
Since a court need not consider the limits of its remedial authority unless it has jurisdiction to reach the merits of an action, it is generally inappropriate to apply the Anti-Injunction Act before resolving all jurisdictional questions. *Arkansas Blue Cross and Blue Shield v. Little Rock Cardiology Clinic, P.A.*, 551 F.3d 812 (8th Cir. 2009).
- 5 U.S.—*In re Prudential Ins. Co. of America Sales Practice Litigation*, 261 F.3d 355 (3d Cir. 2001); *Ackerman v. ExxonMobil Corp.*, 734 F.3d 237 (4th Cir. 2013).

- 6 28 U.S.C.A. § 1651.
- 7 U.S.—*In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation*, 369 F.3d 293 (3d Cir. 2004).
- 8 U.S.—*Brother Records, Inc. v. Jardine*, 432 F.3d 939 (9th Cir. 2005).
- 9 U.S.—*Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc.*, 204 F.3d 867 (9th Cir. 2000); *Silent Drive, Inc. v. Strong Industries, Inc.*, 326 F.3d 1194 (Fed. Cir. 2003).
- 10 U.S.—*Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc.*, 204 F.3d 867 (9th Cir. 2000).
- 11 U.S.—*Casa Marie, Inc. v. Superior Court of Puerto Rico for Dist. of Arecibo*, 988 F.2d 252, 1 A.D.D. 710 (1st Cir. 1993).

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